

RESOLUTION NO. 12-125

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AUTHORIZING THE MAYOR AND THE ACTING CITY CLERK, AS ATTESTING WITNESS, TO ENTER INTO A RAILROAD CROSSING REHABILITATION AGREEMENT WITH THE FLORIDA DEPARTMENT OF TRANSPORTATION ("FDOT") AND THE FLORIDA EAST COAST RAILWAY, LLC ("FEC"), A LIMITED LIABILITY COMPANY, IN THE FORM AS ATTACHED HERETO AS EXHIBIT "1", FOR THE USE, CONSTRUCTION AND REHABILITATION OF A RAILROAD GRADE CROSSING LOCATED ACROSS AND OVER THE RAILROAD TRACKS AT EAST 10 AVENUE, HIALEAH, FLORIDA, COINCIDING WITH THE RAILWAY'S MILEPOST MP 365 PLUS 4,091 FEET, AND THE NECESSARY APPROACHES THERETO; AND PROVIDING FOR FUTURE MAINTENANCE RESPONSIBILITIES IN CONNECTION THEREWITH; PROVIDING FOR THE CONSTRUCTION ACCORDING TO APPROVED PLANS AND SPECIFICATIONS NOT TO EXCEED THE ESTIMATED AMOUNT OF \$110,220.00 TO BE FUNDED BY FDOT THROUGH REIMBURSEMENT OF COSTS TO FEC; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of Hialeah will receive the benefit of the construction and rehabilitation of a railroad grade crossing located across and over the tracks at East 10 Avenue, Hialeah, Florida, coinciding with FEC's Milepost 365 plus 4,091 feet, pursuant to approved plans and specifications at an estimated cost not to exceed \$110,220.00 funded by FDOT through reimbursement of the costs to FEC; and

WHEREAS, upon completion of the railroad crossing, the City agrees to be responsible for 50% of the maintenance costs of the grade crossing.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: The foregoing facts and recitations contained in the preamble to this resolution are hereby adopted and incorporated as if fully set forth herein.

Section 2: The City of Hialeah, Florida hereby authorizes the Mayor and the Acting City Clerk, as attesting witness, on behalf of the City, to enter into a Railroad Crossing Reimbursement Agreement with the Florida Department of Transportation and the Florida East Coast Railway, LLC., a limited liability company, in the form attached hereto as Exhibit "1", for the use, construction and rehabilitation of a railroad grade crossing and the necessary approaches thereto located across and over the railroad tracks at East 10 Avenue, Hialeah, Florida, coinciding with the Railway's Milepost MP 365 plus 4,091 feet, and the necessary approaches thereto, and providing for future maintenance responsibilities in connection therewith, with the construction costs according to approved plans and specifications not to exceed the estimated amount of \$110,220.00 to be funded by FDOT through reimbursement of the costs to FEC.

Section 3: Effective Date.

This ordinance shall become effective when passed by the City Council of the City of Hialeah, Florida, upon signature of the Mayor of the City of Hialeah or at the next regularly scheduled City Council meeting if the Mayor's signature is withheld or if the

City Council overrides the Mayor's veto.

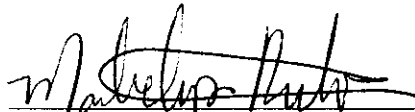
PASSED AND ADOPTED this 13 day of November, 2012.



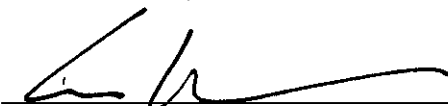
Isis Garcia Martinez
Council President

Attest:

Approved on this 13 day of Nov, 2012.



Marbelys Rubio, Acting City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

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Resolution was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".